

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Benjamin C Armitage (Reg. No. 57,213) on May 29, 2009.

The application has been amended as follows:

In the claims:

- Cancel claim 6.

38. (Currently Amended) The coating composition of claim 28 wherein at least one of the one or more corrosion co-inhibitors is said rare earth compound.

- Cancel claims 89-91.

95. (Currently Amended) A method of preparing a non-chromate containing coating composition, the method comprising:

preparing a mill base having one or more binders;

adding to the mill base an effective corrosion-inhibiting amount of one or more corrosion-inhibiting carbon pigments, and one or more substantially insoluble extenders selected

from the group consisting of a neutral to slightly acidic generating extender, an acidic generating extender, and combinations thereof; and

adding to the mill base one or more rare earth compounds, and optionally one or more additives, or combinations thereof to produce the coating composition;

wherein the non-chromate containing composition is capable of curing naturally and, upon curing, is capable of generating a pH between about 2 and about 8 at an interface between the composition and a substrate.

- Cancel claim 123.

124. (Currently Amended) The coating composition of claim 26 wherein: the one or more rare earth compounds is present in the composition in a weight percent from between about 0.4% to about 26% of total pigment concentration; the corrosion-inhibiting carbon pigment is present in the composition in a weight percent from between about 3% to about 25% of total pigment concentration; and the one or more extenders is present in the composition in a weight percent from between about 25% to about 98% of total pigment concentration.

- Cancel claims 137-138.
- Cancel claim 144.
- Cancel claim 150.

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DETAILED ACTION

Pending Claims

Claims 4, 14, 16-20, 26-28, 38-41, 46-48, 65, 66, 68-71, 74-79, 83-86, 95, 113, 119, 124-127, 131-136, 141-143, and 145-149 are pending.

Response to Argument/Amendment

1. *In light of the amendments to the claims*, Applicant's arguments, see pages 16-25 of the response, filed March 2, 2009, with respect to prior art rejections have been fully considered and are persuasive. The following rejections have been withdrawn/overcome by amendment:

- The rejection of: independent claim 26 and dependent claims 14, 16-20, 27, 28, 38, 46-48, 113, 124-127, and 131-133 (*of Group 1*); independent claim 95 (*Group 5*); and independent claim 134 and dependent claims 68-70, 141, and 147 (*of Group 8*) under 35 U.S.C. 103(a) as being unpatentable over Hagiwara et al. (US Pat. No. 6,630,523).
- The rejection of independent claim 119 (*of Group 4*); and independent claim 83 and dependent claims 84-86, 136, 143, and 149 (*of Group 6*) under 35 U.S.C. 103(a) as being unpatentable over McCollum et al. (US 2003/0054193).
- The rejection of independent claim 39 and dependent claim 40 (*of Group 2*); independent claim 41 (*of Group 3*), independent claim 95 (*of Group 5*); independent claim 134 and dependent claims 65, 66, 68-71, 141, and 147 (*of Group 8*); independent claim 145 (*of Group 9*); and independent claim 146 and dependent claims 74-79, 135, 142, and 148 (*of*

Group 10) under 35 U.S.C. 103(a) as being unpatentable over McCollum et al. (US 2003/0054193) in view of Hagiwara et al. (US Pat. No. 6,630,523).

- The rejection of dependent claim 4 (*of Group 1*) under 35 U.S.C. 103(a) as being unpatentable over Hagiwara et al. (US Pat. No. 6,630,523) in view of McCollum et al. (US 2003/0054193) and Furuya et al. (US 2002/0082338).

Response to Amendment

2. The rejection of dependent claims 6 and 120 (*of Group 1*) under 35 U.S.C. 103(a) as being unpatentable over Hagiwara et al. (US Pat. No. 6,630,523) has been rendered moot by the cancellation of these claims.
3. The rejection of independent claim 89 and dependent claims 90, 91, 123, 137, 138, 144, and 150 (*of Group 7*) under 35 U.S.C. 103(a) as being unpatentable over McCollum et al. (US 2003/0054193) in view of Hagiwara et al. (US Pat. No. 6,630,523) has been rendered moot by the cancellation of these claims.
4. The rejection of claims 84 and 136 under 35 U.S.C. 112, second paragraph, has been overcome by amendment.

Allowable Subject Matter

5. Claims 4, 14, 16-20, 26-28, 38-41, 46-48, 65, 66, 68-71, 74-79, 83-86, 95, 113, 119, 124-127, 131-136, 141-143, and 145-149 are allowed.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Feely whose telephone number is (571)272-1086. The examiner can normally be reached on M-F 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J Feely/
Primary Examiner, Art Unit 1796

May 31, 2009